REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed April 17, 2008 and the Applicant Initiated Examiner Interview held on July 16, 2008. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Status of the Claims

Claims 1-60 were pending. Claims 1-60 were rejected. Claims 1-4, 13-14, 19-22, 31-34, 37-40, 49-52, and 55 are amended herein. Support for the amendments to the claims presented herein can be found in the Specification as originally filed, at least in paragraphs 28-36, 41, 52, 54, 58-61, and 69. No new matter is added. No claim is newly added or canceled herein. Thus, claims 1-60 are pending.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted on July 14, 2008, a telephonic interview was conducted on July 16, 2008, 2008 between Examiner Coulter, Applicant Eric White, and the undersigned. During the interview, differences between embodiments as claimed and the cited prior art were discussed as well as possible amendments to the claims. Examiner Coulter indicated that amendments to independent claims 1, 13, 19, 37, and 55 would likely overcome the rejection under 35 U.S.C. § 102(e) based on the McKinnon reference. During the interview, it was respectfully submitted that amendments to independent claims 1, 13, 19, 37, and 55 would also overcome the potential combination of the McKinnon reference and the Hagen reference under 35 U.S.C. § 103(a). The substance of this Amendment is consistent with that which was discussed during the interview. Applicant appreciates the time and effort taken by Examiner Coulter to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 102

Claims 1-10, 12-28, 30-46, 48-57, 59 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2001/0039582 ("McKinnon"). As submitted during the aforementioned Examiner Interview on July 16, 2008, McKinnon discloses a Carrier Network in which a Carrier can accommodate differing demands for instantaneous throughput by users competing for access across a shared communications medium. See McKinnon, paragraph 125. In McKinnon, each of such users appears to be using a computer 44. See McKinnon, paragraph 44 and Figure 1. Specifically, McKinnon describes that "as used herein, 'user' includes not only a person who interacts with a computer 44, but any additional persons who also interact with the same computer 44, as well as any group of persons all of whom interact with computers attached either to the same CM 34 or to the same computer 44 which, itself, is attached to a CM 34." Id. McKinnon does not seem to describe, either expressly or inherently, how to regulate network bandwidth limits among persons interacting with the same computer or computers attached to the same cable modem.

Independent claims 1, 13, 19, 37, and 55 are amended herein to overcome the rejection under 35 U.S.C. § 102(e) over McKinnon. For example, claim 1 is amended herein to recite:

A device for dynamically allocating network bandwidth on a per user basis comprising:
a processor;
a first network interface coupled to the processor;
a second network interface coupled to the processor;
a storage medium accessible by the processor;
a set of computer instructions stored on the storage medium, executable by the processor to:
retrieve a set of user profiles, wherein each user profile corresponds to a specific user in a set of users;
establish at least one network bandwidth limit for each user in the set of users based on the corresponding user profile for that user;
for each user in the set of users, regulate network bandwidth usage associated with that user based on the at least one network bandwidth limit established for that user;
receive a network communication from a network application running on a first user device communicatively coupled to the first network interface, wherein the network communication is destined for a second device on a second network coupled to the second network interface;
retrieve a first user profile for a first user associated with the first user device from an authentication database based on user credentials provided by the first user;
initiate a control session for the first user;

> based on attributes in the first user profile,
> establish user specific rules and conditions that are bound
> to the first user during the control session based on the
> first user device and the user credentials provided by the
> first user for the control session; and
> dynamically update the at least one network
> bandwidth limit for at least one user from the set of users
> to account for the first user gaining access to the second
> network.

Applicant respectfully submits that claims 1, 13, 19, 37, and 55 and thus claims 2-12, 14-18, 20-36, 38-54, and 56-60 recited subject matter not reached by McKinnon under 35 U.S.C. § 102(e). Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 11, 29, 47 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McKinnon in view of U.S. Publication No. 2002/0075844 ("Hagen"). As submitted during the aforementioned Examiner Interview on July 16, 2008, Hagen does not cure the aforementioned deficiencies of McKinnon. Furthermore, Hagen appears to be drawn to a network access server (NAS) that can be associated with wireless devices to provide an interface between the wireless, mobile terminals and a private network. *See* Hagen, Abstract. Specifically, if a mobile terminal's MAC address is registered with the operator as a subscriber authorized to use the private network, a stored subscriber profile corresponding to the owner of the MAC address is retrieved, cached in the NAS's local database, and processed by the NAS to determine the network access and bandwidth parameters for which the subscriber is authorized, etc. *See* Hagen, paragraph 50. As submitted during the aforementioned Examiner Interview on July 16, 2008, Hagen's NAS does not seem to describe user specific rules and conditions that are bound to a user during a control session based on a user device associated with the user and user credentials provided by the user for the control session.

Claims 1, 13, 19, 37, and 55 are amended herein. It is respectfully submitted that claims 1, 13, 19, 37, and 55 and thus claims 2-12, 14-18, 20-36, 38-54, and 56-60 recited subject matter not reached by the combination of McKinnon and Hagen under 35 U.S.C. § 103(a). Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1-60. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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Date: July 17, 2008

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